

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FOUR

CHURCH OF SCIENTOLOGY  
INTERNATIONAL,

Plaintiff-Respondent,

vs.

GERALD ARMSTRONG,

Defendant-Appellant.

Civ.No.B 069450  
(Super.Ct.No.BC 052395)

APPLICATION OF MICHAEL  
LEE HERTZBERG, ESQ. TO  
APPEAR AS COUNSEL PRO  
HAC VICE

APPLICATION OF MICHAEL LEE HERTZBERG, ESQ.  
TO APPEAR AS COUNSEL PRO HAC VICE

Karen D. Holly  
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6255 Sunset Boulevard  
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Hollywood, CA 90028  
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Andrew H. Wilson  
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235 Montgomery Street,  
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San Francisco, CA 94104  
(415) 391-3900

Attorneys for Plaintiff-  
Respondent CHURCH OF  
SCIENTOLOGY INTERNATIONAL

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HUB LAW OFFICES

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Attorneys for Plaintiff-  
Respondent CHURCH OF  
SCIENTOLOGY INTERNATIONAL

COMES NOW Plaintiff-Respondent, Church of Scientology International, requesting an order of this Court granting the application of Michael Lee Hertzberg to associate as counsel of record for said Respondent on this appeal.

Said application is based on the memorandum of points and authorities attached hereto and the declaration of Michael Lee Hertzberg, Esq.

Dated: June 4, 1993

Respectfully submitted,

BOWLES & MOXON

By: Karen D. Holly  
Karen D. Holly

Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO

Attorneys for Plaintiff-  
Respondent CHURCH OF  
SCIENTOLOGY INTERNATIONAL



**MEMORANDUM OF POINTS AND AUTHORITIES**  
**MR. HERTZBERG IS ELIGIBLE TO APPEAR AS COUNSEL**  
**PRO HAC VICE PURSUANT TO CALIFORNIA RULE OF COURT 983**

Plaintiff-respondent, Church of Scientology International, desires to utilize attorney Michael Lee Hertzberg for the presentation of oral argument on this appeal. For over 10 years Mr. Hertzberg has been a principal appellate counsel for the Church of Scientology International and for various other Churches of Scientology and related entities and individuals. He has appeared and argued for the Church in numerous jurisdictions, including the United States Court of Appeals for the First, Second, Ninth, Eleventh, and District of Columbia Circuits, as well as the United States Supreme Court. Further Mr. Hertzberg has special knowledge of the facts, files and proceedings in this matter as he has been involved in direct and ancillary proceedings in litigation involving Gerald Armstrong since 1985, including the argument before this Court in the Appeal of the original Armstrong case (No. B 025920).

California Rule of Court 983 provides that a person seeking to appear as counsel pro hac vice in a court of appeal shall make an application pursuant to California Rule of Court 41. The application must state (1) the applicant's residence and office address; (2) the courts to which he has been admitted to practice and date of the admissions; (3) that he is a member in good standing of each such court; (4) that he is not currently suspended or disbarred in any court; (5) the title of each court and cause in which he has filed an application to appear as counsel pro hac vice in California in the preceding two years,

the date of each application and whether or not it was granted; and (6) the name, address and telephone number of the member of the State Bar of California who is attorney of record. The Declaration of Michael Lee Hertzberg, Esq., attached hereto satisfies each of these requirements. Further, Mr. Hertzberg's declaration reflects that he is a resident of the State of New York, is not regularly employed in the State of California and does not regularly engage in substantial business, professional, or other activities in the State of California.

Therefore, Mr. Hertzberg's application should be granted and the Court should issue the order allowing him to appear pro hac vice in this matter.

DATED: June 4, 1993

Respectfully submitted,

BOWLES & MOXON

By: Karen D. Holly  
Karen D. Holly

Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO

Attorneys for Plaintiff-  
Respondent CHURCH OF  
SCIENTOLOGY INTERNATIONAL



COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FOUR

	x	
	:	
CHURCH OF SCIENTOLOGY	:	
INTERNATIONAL,	:	
	:	
Plaintiff-Respondent,	:	Civ. No. B 069450
	:	(Super. Ct. No. BC 052395)
	:	
vs.	:	<b>DECLARATION OF</b>
	:	<b>MICHAEL LEE HERTZBERG, ESQ.</b>
GERALD ARMSTRONG,	:	<b>IN SUPPORT OF MOTION TO</b>
	:	<b>APPEAR PRO HAC VICE</b>
Defendant-Appellant.	:	
	:	
	x	

I, MICHAEL LEE HERTZBERG, hereby declare and state:

1. I am a resident of the City of New York in the State of New York. My residence address is 171 West 57th Street, New York, New York 10019. My law office address is 740 Broadway, 5th Floor, New York, New York 10003. I submit this Declaration in support of a motion for leave to appear pro hac vice to argue the instant appeal in this Court on behalf of the appellee Church of Scientology International.

2. I was admitted to practice before all courts of New York State on May 8, 1975; to the Washington, D.C. Bar in November, 1981; to the Bar of the United States Court of Appeals for the Ninth Circuit on July 21, 1986, and to the Bar of the United States Supreme Court on February 23, 1987. I am an attorney in good standing in all of the foregoing courts and jurisdictions in which I have been admitted. I am currently not, nor have I ever been, suspended or disbarred in any court.

3. In the preceding two years I have filed an application to appear as counsel pro hac vice in California in one case. I filed such application on or about March 16, 1992 in an action captioned: Church of Scientology International v. Gerald Armstrong (Superior Ct., Marin County, Case No. 152229), which is the case underlying this appeal. That case was transferred by the Marin County Superior Court to the Los Angeles County Superior Court before a ruling was made by the court in Marin County on my pro hac vice application. At the time of the transfer the pro hac vice motion was taken off calendar. I did not seek to have my motion restored to the calendar when litigation of that case subsequently proceeded in the Los Angeles County Superior Court because intervening scheduling matters precluded my active participation in the trial court phase of that case.

4. I am not a resident of the State of California, I am not regularly employed in the State of California, nor am I regularly engaged in substantial business, professional, or other activities in the State of California.

5. My client, the appellee herein, desires me to argue this appeal on its behalf. In the past I have been a principal appellate counsel for this client, and argued cases on behalf of various Church of Scientology related entities and individuals in several jurisdictions, including the United States Court of Appeals for the First, Second, Ninth, Eleventh, and District of Columbia Circuits, as well as the United States Supreme Court. Additionally, I have special knowledge of the facts, files and proceedings in the instant action through my involvement in various direct and ancillary proceedings in litigation involving Gerald Armstrong since 1985, including argument in this Court of the Appeal of the original Armstrong case (No. B 025920).

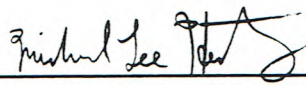


6. I am fully familiar with the standards of professional conduct required of members of the State Bar of California as well as the rules of this Court.

7. In the event that this application for my admission pro hac vice in the instant appeal is granted, I hereby designate Karen D. Holly, Esq. as my local counsel of record. Ms. Holly is a member in good standing of the California Bar. Her office address is Bowles and Moxon, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028 and her office telephone number is (213) 661-4030. Ms. Holly can receive service of papers at that address and is readily available for communication with the Court and opposing counsel regarding the conduct of this appeal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 26, 1993 in New York, New York.

  
\_\_\_\_\_  
MICHAEL LEE HERTZBERG



PROOF OF SERVICE

STATE OF CALIFORNIA       )  
                                  )   ss.  
COUNTY OF LOS ANGELES    )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Blvd., Suite 2000, Hollywood, California 90028.

On June 4, 1993, I served the foregoing document described as APPLICATION OF MICHAEL LEE HERTZBERG, ESQ. TO APPEAR AS COUNSEL PRO HAC VICE on interested parties in this action

[ ] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [ ] the original [X] a true copy thereof in sealed envelopes addressed as follows:

FORD GREENE  
HUB Law Offices  
711 Sir Francis Drake Boulevard  
San Anselmo, CA 94960-1949

PAUL MORANTZ  
P.O. Box 511  
Pacific Palisades, CA 90272

STATE BAR OF CALIFORNIA  
100 Van Ness Avenue  
28th Floor  
San Francisco, CA 94102-5238

[X] BY MAIL

[ ] \*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be

deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on June 4, 1993 at Los Angeles, California.

[ ] \*\*(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, 1993, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[ ] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Paul Bradford  
Type or Print Name

Paul Bradford  
Signature

\* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

\*\* (For personal service signature must be that of messenger)